

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH HORNE,

Plaintiff,

v.

J. C. RUTLEDGE, et al.,

Defendants.

No. C 08-01387 SBA (PR)

**ORDER DENYING MOTION FOR
CERTIFICATE OF APPEALABILITY AS
UNNECESSARY**

In this pro se civil rights action, Plaintiff filed a Motion for a Certificate of Appealability ("COA") and a Notice of Appeal. However, a COA, formerly known as a certificate of probable cause to appeal, is only required in a habeas corpus proceeding. See 28 U.S.C. § 2253(c). Therefore, Plaintiff's request for a COA is DENIED as unnecessary.

This Order terminates Docket no. 18.

IT IS SO ORDERED.

DATED: 10/27/09


SAUNDRA BROWN ARMSTRONG
United States District Judge

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH HORNE,

Plaintiff,

v.

J.C. RUTLEDGE et al,

Defendant.

Case Number: CV08-01387 SBA

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 28, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Joseph Deonn Horne V84328
Kern Valley State Prison
P.O. Box 5102
Delano, CA 93216

Dated: October 28, 2009

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk